

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LOS PADRES FORESTWATCH,
a non-profit organization,

Plaintiff,

v.

UNITED STATES FOREST SERVICE,
PEGGY HERNANDEZ, in her official capacity
as forest supervisor for the Los Padres National
Forest,

Defendants.

Case No.: 10-CV-03653-LHK

ORDER GRANTING, AS MODIFIED,
FOURTH JOINT STIPULATION TO
CONTINUE PRELIMINARY
INJUNCTION HEARING

(re: docket #34)

On August 26, 2010, Plaintiff filed a motion for a temporary restraining order and preliminary injunction. On August 27, 2010, this case was reassigned to the undersigned Judge, who denied issuance of a TRO and deferred ruling on a preliminary injunction. The Court also scheduled a preliminary injunction hearing for September 7, 2010 and set an expedited briefing schedule.

Pursuant to the parties' representations that a global settlement was "near completion," the Court has granted three joint stipulations to continue the preliminary injunction hearing and related briefing. In each stipulation, the parties stated that they did not envision seeking additional extensions. Since October 27, 2010, the parties have operated under "interim conditions" in

1 connection with the Road Clearing Project that is the subject of this action. On January 10, 2011,
2 the parties filed yet another motion to continue the preliminary injunction hearing, requesting a 45
3 day extension in order for Defendants to get the "proper authorization from both the U.S.
4 Department of Agriculture as well as the Department of Justice."

5 The parties' request for a continuance is granted. Because the preliminary injunction
6 motion has been pending since August 2010, this Court will not grant the continuance for the
7 length of time requested by the parties. The preliminary injunction hearing is continued to
8 Thursday, February 24, 2011 at 1:30 p.m., with Defendant's Opposition due February 17, 2011 and
9 Plaintiff's Reply due February 20, 2011.

10 A Case Management Conference will follow the February 24, 2011 preliminary injunction
11 hearing. The parties' Joint Case Management Statement, including a proposed case schedule
12 through trial, is due February 17, 2011.

13 As this motion will have been pending for six months by the time of the February 24, 2011
14 hearing, the Court will not grant any further continuances. Absent a stipulation of dismissal, the
15 parties should be prepared to litigate this case.

16 **IT IS SO ORDERED.**

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18 Dated: January 13, 2011

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20 LUCY H. KOH
21 United States District Judge
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